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China, People's Republic of

Food and Agricultural Import Regulations and Standards

Animal and Plant Entry and Exit Law

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Report Highlights:

This is an UNOFFICIAL English translation of the People's Republic of China *Animal and Plant Entry and Exit Law* and should be used as a guide only. Exporters should carefully discuss regulations and their application with Chinese importers to ensure that their interpretation of the regulations is accurate.

Includes PSD changes: No

Includes Trade Matrix: No

Annual Report

Beijing [CH1], CH

This report was prepared by the Office of Agricultural Affairs of the USDA/Foreign Agricultural Service in Beijing, People's Republic of China for U.S. exporters of domestic food and agricultural products. While every possible care was taken in the preparation of this report, information provided may not be completely accurate either because policies have changed since its preparation, or because clear and consistent information about these policies was not available. It is highly recommended that U.S. exporters verify the full set of import requirements with their foreign customers, who are normally best equipped to research such matters with local authorities, before any goods are shipped. FINAL IMPORT APPROVAL OF ANY PRODUCT IS SUBJECT TO THE IMPORTING COUNTRY'S RULES AND REGULATIONS AS INTERPRETED BY BORDER OFFICIALS AT THE TIME OF PRODUCT ENTRY.

Summary

This Law establishes the general guidelines for the import, export, and transit quarantine for animals, plants and the respective method of transport. The United States and China continue to actively engage one another in bilateral phytosanitary talks and protocols. For specific quarantine problems, contact the USDA's Animal and Plant Health Inspection Service Office in Beijing at telephone: (86-10) 6505 4575 and fax: (86-10) 6505 4574. The Animal and Plant Quarantine Department of the State Council has statutory authority over this Law.

Animal and Plant Entry and Exit Law

Adopted at the 22nd Meeting of the Standing Committee of the Seventh National People's Congress on October 30, 1991, promulgated by Order No.53 of the President of the People's Republic of China on October 30, 1991 and effective April 1, 1992.

Chapter One: General Provisions

Article 1: This Law is formulated for the purpose of preventing infectious or parasitic diseases of animals, and diseases, insect pests and weeds dangerous to plants, as well as other harmful organisms (hereinafter referred to, for short, as diseases, insect pests and harmful organisms) from spreading into or out of the country, protecting agricultural production, forestry, animal husbandry and fishery, human health, and promoting the development of foreign economic relations and trade.

Article 2: Animals and plants, animal and plant products or other quarantine objects, containers and packaging materials used for carrying animals and plants, animal and plant products or other quarantine objects, as well as the methods of transport from animal or plant epidemic areas shall, on entry or exit, be subject to quarantine inspection in accordance with this Law.

Article 3: An animal and plant quarantine department shall be created under the State Council (hereinafter referred to, for short, as the State Animal and Plant Quarantine Administration), to conduct a unified administration of the entry and exit of animal and plant quarantine throughout the country. Port animal and plant quarantine offices established by the State Animal and Plant Quarantine Administration at ports open to foreign trade and at places busy with entry and exit animal and plant quarantine shall, in accordance with this Law, carry out entry and exit animal and plant quarantine.

Article 4: A port animal and plant quarantine office may exercise the following functions and powers when performing quarantine inspection:

- (1) Go aboard a ship, vehicle, or airplane to perform quarantine inspection under this Law;

- (2) Enter a seaport, an airport, a railway or coach station, a post office or a site where quarantine objects are stored, processed, bred or cultivated to perform quarantine inspection and collect samples according to relevant provisions;
- (3) Enter sites for production or storage according to inspection needs, to monitor, investigate, or perform quarantine supervision and control;
- (4) Consult, duplicate and extract all or part of operational diaries, bills of lading, contracts, invoices or other documents related to quarantine materials.

Article 5: The state shall prohibit the following objects from entering the country:

- (1) Pathogenic micro-organisms (including bacteria and virus seed cultures) of animals and plants, insect pests and other harmful organisms;
- (2) Relevant animals and plants, their products and other quarantine objects from countries or regions with epidemic animal or plant diseases;
- (3) Animal carcasses; and
- (4) Soil

When a port animal and plant quarantine office discovers any objects prohibited from entering the country as prescribed in the preceding paragraph, such objects shall be returned or destroyed. Whoever, because of special needs such as scientific research, imports any objects prohibited from entering the country as prescribed in the first paragraph of this Article, must submit an application in advance, that shall be subject to the approval of the State Animal and Plant Quarantine Administration. The catalogue of objects prohibited from entering the country as prescribed in (2) of the first paragraph of this Article shall be created and announced by the agriculture administration department of the State Council.

Article 6: In the event that a serious animal or plant epidemic occurs abroad and is likely to extend into the country, the State Council shall adopt preventative emergency measures and may, when necessary, issue orders to prohibit methods of transport from animal or plant epidemic areas from entering the country or to blockade the relevant ports; local governments in areas threatened by animal or plant epidemics, as well as the relevant port animal and plant quarantine offices, shall immediately take emergency measures, and, at the same time, report to the higher levels of government and the State Animal and Plant Quarantine Administration. The departments of posts and telecommunications as well as transportation shall give priority to transmitting or transporting reports concerning serious animal or plant epidemics or materials sent regarding quarantine inspection.

Article 7: The State Animal and Plant Quarantine Administration and Port Animal and Plant Quarantine Department and port animal and plant quarantine offices shall practice a quarantine supervision system in relation to the procedures in the production, processing and storage of animals and plants and their products for entry or exit.

Article 8: When a port animal and plant quarantine office exercises its tasks of quarantine inspection in seaports, airports, railway or coach stations, or post offices, relevant departments such as the Customs office, departments of communications, civil aviation, or railways, and postal services shall cooperate.

Article 9: Any quarantine officer of an animal and plant quarantine office shall be devoted to his or her duties and enforce the law without bias. No unit or individual may obstruct a quarantine officer from an animal and plant quarantine office from carrying out his or her duties according to law.

Chapter Two: Entry Quarantine

Article 10: Importers of animals, animal products, plant seeds, seedlings or other breeding materials must submit an application prior to and go through the requirements for examination and approval of quarantine inspection.

Article 11: Importers of animals and plants, their products or other quarantine items through trade, scientific and technological cooperation, exchange, donation or aid shall specify in contracts or agreements the requirements for quarantine inspection prescribed by China's law and the accompanying necessary quarantine certificates issued by the animal and plant quarantine department from the government of the exporting country or region.

Article 12: The importer, or his or her agent, shall apply for the quarantine item inspection to the port of entry office for animal and plant quarantine, before or on the date of entry, on the strength of documents such as the quarantine certificates issued by the exporting country or region and the trade contracts.

Article 13: On port arrival of any transport carrying animals, the port animal and plant quarantine office shall, for epidemic prevention, implement immediate prevention measures and disinfect any person embarking or disembarking the method of transport that had contact with animals, animal containers, or any contaminated areas and land.

Article 14: Imported animals and plants, animal and plant products, and other quarantine objects shall be quarantined at the port of entry; the quarantined objects shall not be unloaded from the method of transport without the consent of the port animal and plant quarantine office. Imported animals and plants that need to be placed in isolation for quarantine inspection shall be quarantined in an isolation area designated by the port animal and plant quarantine office. Due to possible limited conditions at the port of entry, the State Animal and Plant Quarantine Administration may decide to have animals and plants, their products, or other quarantine objects transferred to a designated place for quarantine inspection. The importer, or his or her agent, shall take preventative measures against contamination during transport, loading, and unloading. Designated places for storage, processing, and isolated feeding or planting shall conform to the provisions for animal and plant quarantine and epidemic prevention.

Article 15: Imported animals and plants, their products, or other quarantine objects that pass quarantine inspection shall be permitted entry into the country; the Customs office shall, after verification, release the quarantined items on the strength of the quarantine certificates issued or the stamp on the customs declaration forms affixed by the port animal and plant quarantine office. The Customs office shall, after verification, release the quarantined items on the strength of the Quarantine Transfer Notice issued by the port animal and plant quarantine office for imported animals and plants, their products, or other quarantine objects that need to be transferred away from a customs surveillance zone for quarantine inspection.

Article 16: The port animal and plant quarantine office shall issue the Quarantine Treatment Notice notifying the importer, or his or her agent, to treat imported animals that fail quarantine inspection in either of the following manners:

- (1) Animals that suffer from Class A infectious or parasitic diseases, together with all other exposed animals, shall be returned or slaughtered and have the carcasses destroyed; or
- (2) Animals that suffer from Class B infectious or parasitic diseases shall be returned or slaughtered; and all other exposed animals shall be placed in an isolation area or a designated area for observation.

The port animal and plant quarantine office shall issue the Quarantine Treatment Notice to the importer, or his or her

agent, to conduct such remedies as disinfection and disinfestation, return, or destruction of imported animal products or other quarantine objects that fail quarantine inspection. The products or objects that have passed quarantine inspection after disinfection or disinfestation treatment shall be permitted to enter the country.

Article 17: The port animal and plant quarantine office shall issue the Quarantine Treatment Notice notifying the importer, or his or her agent, to treat imported plants, plant products, or other quarantine objects by disinfection and disinfestation, return, or destruction that are found to be contaminated with diseases, pests or weeds dangerous to plants. After treatment by disinfection or disinfestation, those quarantined items that have passed shall be permitted to enter the country.

Article 18: The catalogues of the Class A and Class B infectious or parasitic diseases of animals specified in Article 16, Paragraph 1, Item 1 and 2 of this Law and the catalogues of the diseases, pests or weeds that are dangerous to plants specified in Article 17 of this Law shall be completed and announced by the agriculture administration department of the State Council.

Article 19: If quarantine inspection reveals that imported animals and plants, their products, or other quarantine objects are contaminated with diseases, insect pests, or harmful organisms that are not covered by the catalogues specified in Article 18 of this Law but remain harmful to agriculture, forestry, animal husbandry and fishery, the port animal and plant quarantine office shall, in accordance with relevant regulations of the agriculture administration department of the State Council, notify the importer, or his or her agent, to treat these quarantined items through disinfection and disinfestation, return, or destruction. Those quarantined items that have passed inspection after disinfection and disinfestation treatment shall be allowed to enter the country.

Chapter Three: Exit Quarantine

Article 20: The exporter, or his or her agent, of exported animals and plants, their products, or other quarantine objects shall, before export, submit an application for quarantine inspection to the port animal and plant quarantine office. Animals that need to be placed in isolation for quarantine inspection before export shall be quarantined in an isolation area designated by the port animal and plant quarantine office.

Article 21: Exported animals and plants, their products, or other quarantine objects shall be quarantined by the port animal and plant quarantine office; and those that pass quarantine inspection or conform to the standards after treatment by disinfection and disinfestation shall be allowed to leave the country. The Customs office shall, after verification, release the quarantined items on the strength of the issued quarantine certificates or the stamp on the customs declaration forms affixed by the port animal and plant quarantine office. Those quarantined items that fail inspection and are unable to receive effective treatment by disinfection and disinfestation shall not be permitted to leave the country.

Article 22: When animals and plants, their products, or other quarantine objects that have passed quarantine inspection have any of the following conditions occur, the exporter, or his or her agent, shall re-apply for quarantine inspection:

- (1) The importing country or region changes, and the alternate importing country or region has different requirements for quarantine inspection; or
- (2) The quarantine item packaging changes or other items are added after inspection; or
- (3) The stipulated validity period of quarantine is exceeded.

Chapter Four: Transit Quarantine

Article 23: All requests for animal transit through the Chinese territory must obtain advance consent from China's State Animal and Plant Quarantine Administration; and the transit must be conducted through the designated port and route. The means of transport, containers, feed stuffs, and bedding materials for animals in transit must all conform to China's regulations on animal and plant quarantine.

Article 24: The port animal and plant quarantine office for quarantine inspection requires the consignor or the escort of transit animals and plants, animal or plant products, or other quarantine items to submit, at the port of entry, the bills of lading and the quarantine certificates issued by the animal and plant quarantine department of the government of the exporting country or region. No further quarantine inspection is needed at the port of exit.

Article 25: Transit animals that pass quarantine inspection shall be permitted to pass through the country; and if in any case of infectious or parasitic disease of animals, specified in the catalogue stipulated in Article 18 of this Law is discovered, the entire shipment of animals shall not be permitted transit. Transit animals' feed stuffs that are contaminated with disease, insect pests, or harmful organisms shall be subject to disinfection and disinfestation treatment, denied transit, or destruction. The carcasses, excrement, bedding material, and other waste of transit animals must be disposed in compliance with animal and plant quarantine department regulations; and may not be discarded without authorization.

Article 26: Animal and plant products, or other quarantine objects shall be permitted to pass through the country if the methods of transport and packaging for transit animals and plants passed inspection; if any disease, insect pest, or harmful organism specified in the catalogue stipulated in Article 18 of this Law is discovered, the method of transport and packaging shall be subject to disinfection or disinfestation treatment or denied transit.

Article 27: Animals and plants, animal and plant products, or other quarantine objects, that are in transit, shall not be unpacked or discharged from the means of transport without the approval of the animal and plant quarantine office.

Chapter Five: Quarantine of Materials Carried by Passengers or Mail Service

Article 28: Whoever intends to carry or mail plant seeds, seedlings, or other propagating materials into the country shall first submit an application and go through the formalities for examination and approval of quarantine inspection.

Article 29: The catalogue of the animals and plants, animal and plant products, and other quarantine objects that are not permitted to be carried or mailed into the country shall be completed and announced by the agriculture administration department of the State Council. Animals and plants, animal and plant products, or other quarantine objects specified in the catalogue, mentioned in the above paragraph, carried or mailed into the country shall be returned or destroyed.

Article 30: Whoever enters the country carrying animals or plants, animal or plant products, or other quarantine objects, not included in the catalogue specified in Article 29 of this Law, shall declare the items to the Customs office at the port of entry and accept the quarantine inspection by the port animal and plant quarantine office. Whoever carries animals into the country must hold quarantine certificates issued by the exporting country or region.

Article 31: Animals and plants, animal and plant products, or other quarantine objects, not included in the catalogue specified in Article 29 of this Law, shall receive quarantine inspection from the port animal and plant quarantine office at the International Postage Exchange Bureau; or, when necessary, the quarantine items shall be taken to the port animal and plant quarantine office for quarantine inspection; and the quarantine items shall not be transported or delivered without receiving quarantine inspection.

Article 32: Animals or plants, animal or plant products, or other quarantine objects that enter the country by mail shall be released if the item pass the quarantine inspection or conform to the standards after disinfection and disinfestation treatment; those quarantine items that fail inspection and are unable to be treated effectively by disinfection and disinfestation shall be returned or destroyed, and the Quarantine Treatment Notice shall be issued.

Article 33: Animals or plants, animal or plant products, or other quarantine objects that are carried or mailed out of the country shall be quarantined by the port animal and plant quarantine office, upon request of the exporter.

Chapter Six: Quarantine of Methods of Transport

Article 34: Ships, airplanes, or trains from animal or plant epidemic areas shall, upon their arrival at port, be quarantined by the port animal and plant quarantine office. In the event any disease, insect pest, or harmful organism specified in the catalogues mentioned in Article 18 of this Law is discovered, the cargo shall be subjected to treatment; such as as refusal from discharge from transport method, disinfection and disinfestation, sealing, or destruction.

Article 35: Vehicles entering the country shall be disinfected by the port animal and plant quarantine office for epidemic prevention.

Article 36: Waste of an animal or plant nature on the method of transport entering or leaving the country shall be disposed of in compliance with the port animal and plant quarantine office regulations and may not be discarded without authorization.

Article 37: The methods of transport carrying export animals and plants, animal or plant products, or other quarantine objects shall comply with the animal and plant quarantine and epidemic prevention regulations.

Article 38: Ships entering the country for disassembling purposes shall be quarantined by the port animal and plant quarantine office. In the event that disease, insect pests, or harmful organisms, specified in the catalogue mentioned in Article 18 of this Law, are discovered, the ship shall be subject to disinfection and disinfestation treatment.

Chapter Seven: Legal Responsibility

Article 39 Whoever, in violation of this Law, commits any of the following acts shall be fined by the port animal and plant quarantine office:

- (1) Failure to apply for quarantine inspection or failure to go through the formalities for examination and approval of quarantine inspection in compliance with the law; or
- (2) Unloading animals or plants, animal or plant products, or other quarantine objects entering the country from the method of transport, transporting, or delivering the quarantine items without permission of the port animal and plant quarantine office; or

- (3) Transferring or disposing of animals or plants subjected to quarantine inspection in a designated isolation area by the port animal and plant quarantine office without authorization.

Article 40: Applicants shall be fined by the port animal and plant quarantine office if animals or plants, animal or plant products, or other quarantine objects declared for quarantine inspection do not conform to the actual items; and the quarantine certificates already obtained shall be revoked.

Article 41: Whoever, in violation of this Law and without authorization, unpacks the containers of transit animals or plants, animal or plant products, or other quarantine objects; discharges transit animals or plants, animal or plant products, or other quarantine objects from the means of transport; or casts away transit animals' carcasses, excrement, bedding material, or other waste, shall be fined by the port animal and plant quarantine office.

Article 42: Whoever violates the provisions of this Law and causes a serious animal or plant epidemic shall be investigated for criminal responsibility in compliance with the provisions of Article 178 of the Criminal Law.

Article 43: Whoever forges or alters the quarantine certificates, stamps, marks, or seals shall be investigated for criminal responsibility in compliance with the provisions of Article 167 of the Criminal Law.

Article 44: If a party is not satisfied with the punishment made by an animal and plant quarantine office, it may, within 15 days of receipt of the punishment notification, appeal for reconsideration to the next higher level office; the party may also bring a direct suit to the people's court within 15 days of receipt of the punishment notification. The appellate office shall render a decision within 60 days of receipt of the appeal for reconsideration. If the party is not satisfied with the decision, it may, within 15 days of receipt of the decision, bring a suit to the people's court. If the appellate office fails to make a decision within the prescribed period, the party may bring a suit within 15 days after the period for reconsideration expires. If the party neither appeals for reconsideration within the time limit nor brings a suit to the people's court nor complies with the decision on punishment, the office that has made the punishment decision may apply to the people's court for compulsory enforcement.

Article 45: When a quarantine official of an animal and plant quarantine office abuses his or her power, practices favoritism, embezzlement, forges a quarantine result, neglects his or her duty, or delays performing a quarantine inspection and issuing a certificate, if an offence constitutes a crime, criminal responsibility shall be investigated in compliance with the law; the offender shall be subject to administrative sanction if the offence does not constitute a crime.

Chapter Eight: Supplementary Provisions

Article 46: As used in this Law, the following terms are defined as:

- (1) "Animal" includes live animals, whether domesticated or wild; such as livestock, poultry, other beasts, snake, tortoise, fish, shrimp and prawn, crab, shellfish, silkworms and bees;
- (2) "Animal product" includes the non-processed products or the processed products, of animals, still likely to spread diseases; such as raw hide, hair, meat, viscera, fat and grease, aquatic animal products, dairy products, eggs, blood, semen, embryos, bones, hoofs and horns;
- (3) "Plant" includes cultivated plants, wild plants, their seeds and seedlings, and other reproductive materials;
- (4) "Plant product" includes the non-processed products or the processed products from plants still likely to

spread diseases, insect pests, or harmful organisms; such as grain, beans, cotton, oils, fibers, tobacco, kernels, dried fruits, fresh fruits, vegetables, raw medicinal herbs, logs, and feed stuffs;

- (5) “Other quarantine object” includes animal vaccine, blood serum, diagnostic reagents, and animal or plant wastes.

Article 47: If provisions of this Law conflict with those of international treaties regarding animal and plant quarantine that the People’s Republic of China has signed, or to which China is a party, the provisions of the relevant international treaty shall prevail; with the exception of the treaty clauses on which the People’s Republic of China has declared reservations.

Article 48: Port animal and plant quarantine offices shall collect fees, according to relevant regulations, for performing quarantine inspection. The measures for the collection of fees shall be completed by the agriculture administration department of the State Council together with other concerned departments; such as the pricing department of the State Council.

Article 49: The State Council shall, on the basis of this Law, formulate the implementing regulations.

Article 50: This Law shall take effect on April 1, 1992. The Regulations of the People’s Republic of China on the Import and Export of Animal and Plant Quarantine announced by the State Council on June 4, 1982 shall be annulled simultaneously.